

## **- MINUTES -**

### **UTAH AIR QUALITY BOARD MEETING JANUARY 8, 2003**

#### **I. Call to Order**

David B. George called the meeting to order at 1:30 p.m.

Board members present:

David B. George  
Dannie R. McConkie  
James R. Horrocks

Ernest E. Wessman  
John M. Veranth  
Dianne R. Nielson

JoAnn B. Seghini  
Richard R. Olson  
Wayne M. Samuelson

#### **II. Date of the Next Meeting of the Board**

The next meeting of the Board will be held Wednesday, February 5, 2003.

#### **III. Approval of the Minutes of the December 4, 2002, Air Quality Board Meeting**

JoAnn Seghini made the motion to approve the minutes of the December 4, 2002, Board meeting. John Veranth seconded the motion. The motion passed.

#### **IV. Final Adoption: R307-121, Clean Fuel Tax Credit**

Presenter: Ran Macdonald, Environmental Engineer

This rule has been updated and clarifies procedures for obtaining tax credits associated with alternate fuel vehicles. A hearing was held on November 19, 2002. No written or oral comments were received at the hearing or during the formal comment period.

Staff recommends adoption as proposed.

**MOTION:** Richard Olson made the motion to adopt 307-121. Ernest Wessman seconded the motion. The motion passed.

#### **V. Designation Recommendations Under the 8-hour Ozone Standard**

Presenter: Colleen Delaney, Environmental Scientist

In 1997, EPA promulgated a new 8-hour ozone standard. Implementation was delayed due to a number of legal challenges. The problems have been resolved, and EPA is beginning the process of the official implementation of the 8-hour standard.

This would be the process: The governor of each state would make a recommendation in terms of how areas within that state should be designated under the standard. EPA would review the recommendation

and propose designations. A year after the governor's recommendation, EPA would finalize the designations. (EPA would make the official designations.)

EPA is in the process of signing a consent decree where they would be agreeing to finalize designations by April 15, 2004. This would mean that the governors' recommendations would be due April 15, 2003.

Ms. Delaney stated that Utah is currently in attainment at all monitors (three-year averages, 2000-2002). One concern is that when EPA makes the final designations in 2004, they will probably take into account the monitoring values for 2003. If the summer values for 2003 are high, there is the possibility of violating the standard. This is one issue to take under consideration in determining how to proceed.

Another issue is the existing 1-hour standard. EPA is in the process of developing implementation guidance on how to write a SIP for the 8-hr. ozone standard. This will address things like what happens to the existing 1-hr. standard, classification of areas, conformity implications, and mandatory controls for non-attainment areas. Of special interest for Utah would be the status of the current maintenance plan.

Staff recommends taking no action at this time. When EPA proposes their implementation guidance, DAQ will review the guidance and bring a recommendation to the Board. Staff also recommends using the public comment process to allow for public input.

During discussion on this issue, Jim Horrocks suggested submitting a letter by April 15 stating that Utah is in compliance, but state that it is subject to desire to review this summer's data and resubmit later if the summer data triggers areas of nonattainment.

Dianne Nielson agreed with Mr. Horrocks' recommendation. Even though it's an EPA deadline, and they could reach the same conclusion that Utah is in attainment, the determination should not be left to chance. Sending a letter by the deadline with wording indicating that the data is appropriate to designate attainment, time is needed to understand the guidance and understand what the plan is to stay in attainment and how that is consistent, or changes, relative to the existing maintenance plan. Being in attainment and saying we're in attainment is a lot better than being designated as out of attainment. Right now, Utah is in attainment.

Elden Bingham of the Utah Department of Transportation stated that it would be in the best interest of transportation issues to declare attainment at this time, since Utah is in attainment.

Rick Sprott, in an effort to make clear the steps DAQ should take, stated that DAQ will go ahead and draft a letter that can be made available to the Board at some future meeting (February or March), and will make this issue an agenda item for a future meeting. Hopefully, DAQ will be in receipt of the draft implementation guidance soon and can review the guidance and thereby provide the Board with some substantive material to discuss and debate, along with the public, at a meeting probably in March, at the earliest.

John Veranth asked if there would be anything in the implementation guidance that would make the recommended designation as nonattainment when, in fact, the monitoring data shows Utah in attainment?

Rick Sprott responded that the straightforward answer is no.

Dianne Nielson stated that it's always better to move from attainment to evaluation than nonattainment to some evaluation. It's unreasonable to expect staff to evaluate even information that might come out from EPA in March or early April. They need time to be able to put that together. The action item is the letter and the recognition that the Division and the Board will need time to develop and discuss with the public what the plan will be that will hold Utah in attainment. The objective is to stay in attainment and to make sure that when the 2002 number falls off, the 2003 number is good enough to hold Utah in attainment.

Rick Sprott made the suggestion to give the Board some specific recommendations at the February Board meeting on what the process for the letter itself ought to be.

## **VI. Information Items**

### **A. Monitoring Data for December 2002**

Bob Dalley reviewed the monitoring data for December. The winter has been good to monitoring activities. Dianne Nielson inquired about the oxy fuel program in Utah County. Cheryl Heying responded that staff is working on updating and submitting a maintenance plan to EPA for the carbon monoxide SIP. One of the strategies being considered is removal of oxygenated fuel. Information has been requested from the MPOs, and when that information is received, it will be put into the models.

### **B. HAPS Compliance Activities for 2002**

Bryce Bird gave an overhead slide presentation of compliance activities for 2002 which included asbestos notifications/inspections, AHERA inspections/violations and training, asbestos and lead certifications, compliance responses, penalties assessed, and outreach activities.

### **C. Compliance Activities for November 2002**

Jeff Dean explained that the oxy fuels inspections have increased due to the fact that the oxy fuel season began in November.

### **D. SIPs Update**

Dave McNeill informed the Board that on December 23, 2002, EPA published the final approval of the PM10 SIP for Utah County. It becomes effective on January 22, 2003.

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The meeting adjourned at 2:27 p.m.